THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NOs.6453, 6454, 6455 and 6456 OF 2006

Dt.31.3.2006

Between:

Kanakala Umamaheswara Rao and others …Petitioners

And

The District Collector,

Visakhapatnam and others …Respondents

COMMON ORDER:

Since the issue involved in these writ petitions is one and the same, they are being heard and disposed of together by a common order.

Petitioners are owners of various extents of land situated in Sy.No.76/3 of Chinagadili, Visakhapatnam District. Respondents have taken a decision to widen the Mudasorlova Road to a width of 210 feet. Petitioners question the action of the respondents in not issuing any notice of acquisition in respect of the property in question for the purpose of road widening without following the procedure

prescribed under law.

Heard the learned counsel for the petitioner and the learned Standing Counsel on behalf of the respondents.

The only grievance of the petitioners is that the respondents without paying any compensation and without following due process of law are attempting to acquire the lands of the petitioners for the purpose of road widening.

The learned counsel for the petitioners submits that the action of the respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act, 1894 is utter violation of the principles of natural justice as well as Sections 146 or 147 of the Municipal Corporations Act, 1955 (for short 'the Act').

No doubt, widening/laying of the road is in the public interest, but while laying the road, if any property of private individual is coming in the way, it is for the respondents to acquire the same either by way of initiating land acquisition proceedings or by following due process of law.

Having regard to the facts and circumstances of the case, the writ petitions are disposed of directing the respondents not to acquire the lands of the petitioners covered in Sy.No.76/3 of Chinagadili, Visakhapatnam or take away any portion of the said property in question, without following the due process of law either under Section 146 or 147 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition Act, 1894.

The writ petitions are disposed of accordingly. No costs.

V.ESWARAIAH, J.

31.3.2006

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